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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,614	02/01/2006	Koji Hirose	P28570	5456
52123 7590 07/01/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER HARTMAN JR, RONALD D				
ART UNIT 2121		PAPER NUMBER		
NOTIFICATION DATE 07/01/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/550,614

**Applicant(s)**

HIROSE ET AL.

**Examiner**

Ronald D. Hartman Jr.

**Art Unit**

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection, as set forth below in this office action.

### ***Examiner Notes***

The independent claims are not limited to any particular controlled device. The applicant's specification, specially [0002] describes the controlled device to be any in-home device. There are literally hundreds of devices that fit into this broad category.

The applicant has amended the independent claims to include a negative limitation, that is, the applicant has sought to differentiate the claimed invention from the prior art by describing what the claimed invention is not, rather than positively recite what the claimed invention actually is. As best understood, the added feature requires that the server does not need to be reprogrammed for each new controlled device.

It is noted that the claims do not preclude an interpretation that the terminal and the control device are one and the same. That is, the remote control device may be a remote controller with an input mechanism, the input mechanism being viewed to be the terminal, per se. For examination purposes, this is how the claim will be treated.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Zintel et al., U.S. Patent No. 6,725,281.

With regards to claim 6, the applicant claims a method of controlling an in-home device (the claimed controlled device), wherein a remote control device having a user input terminal is used to control the in-home device, wherein device specific data is stored in the in-home device, and wherein this information is received somewhere (no particular receiving element is claimed), whereby WEB display data (data commensurate with the utilization of the world wide web) is generated (the examiner noted that this data is not claimed as being displayed, but rather, as simply being generated; in other words, it is only brought into existence and is not positively recited as being displayed) based on the received device specific data, and wherein the WEB display data is transmitted to the terminal.

As best understood, this method is anticipated by Zintel et al. Zintel et al. discloses controlling devices within a home remotely (e.g. see C13 L61-66, C14 L3-5, C14 L55-56, C14 L65-66, C15 L8-23, C15 L33-43, C15 L52- C16 L8, C16 L49-67 and C19L47-C20L47, etc.)

As per claims 1-2 and 5, the rejection of claim 6 is applied herein.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel et al., as applied above, in view of Official Notice.

As per claims 3, 7, 9 and 11, although Zintel et al. teaches being able to interface with a remotely located VCR, which is a video recording device, Zintel et al. does not explicitly disclose utilizing the VCR to record a received television broadcast.

Official Notice is taken with respect to a VCR recording a broadcast as this was one of the very reason why VCR's were invented in the first place, that is, to record television programs that were being aired at times that were otherwise inconvenient or impossible to view. The creation of utilization of the VCR for recording television broadcasts allowed for a flexible recording option that stores the broadcast until such time that the user wants to watch it, and permanently stores the broadcasts in the event that the user wants to watch it again at another time.

As per claims 4, 8, 10 and 12, it is believed that Zintel et al. adequately discloses data regarding a recording operation (e.g. see C13 L61-66, C14 L3-5, C14 L55-56, C14 L65-66, C15 L8-23, C15 L33-43, C15 L52- C16 L8, C16 L49-67 and C19L47-C20L47, etc.)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2121

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald D Hartman Jr./

Primary Examiner, Art Unit 2121

June 22, 2008

RDH